

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**KATHERINE GILLIES ALTUNA**  
**1764 252<sup>nd</sup> Street**  
**Lomita, CA 90717**

**Registered Nurse License No. 701729**

Respondent

Case No. 2012-636

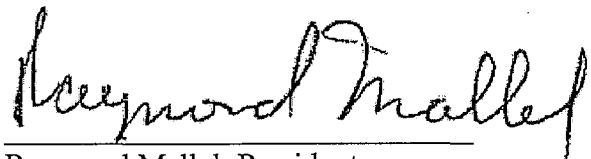
OAH No. 2012050335

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **April 19, 2013.**

IT IS SO ORDERED **March 20, 2013.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 KATHERINE MESSANA  
Deputy Attorney General  
4 State Bar No. 272953  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2554  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-636

13 **KATHERINE GILLIES ALTUNA**

OAH No. 2012050335

14 1764 252nd Street  
Lomita, CA 90717

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Registered Nurse License No. 701729

16 Respondent.

17  
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer  
20 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
21 which will be submitted to the Board for approval and adoption as the final disposition of the  
22 Accusation.

23 **PARTIES**

24 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Executive Officer of the Board  
25 of Registered Nursing. She brought this action solely in her official capacity and is represented in  
26 this matter by Kamala D. Harris, Attorney General of the State of California, by Katherine  
27 Messana, Deputy Attorney General.  
28

1           2.     Respondent Katherine Gillies Altuna ("Respondent") is represented in this  
2 proceeding by attorney Adam Brown, whose address is:

3 Law Offices of Brown & Brown  
4 3848 Carson Street, Suite 206  
5 Torrance, California 90503

6           3.     On or about April 9, 2007, the Board of Registered Nursing issued Registered Nurse  
7 License No. 701729 to Katherine Gillies Altuna ("Respondent"). The Registered Nurse License  
8 was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-  
9 636 and will expire on November 30, 2012, unless renewed.

#### 10                                   JURISDICTION

11           4.     Accusation No. 2012-636 was filed before the Board of Registered Nursing (Board),  
12 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
13 and all other statutorily required documents were properly served on Respondent on April 17,  
14 2012. Respondent timely filed her Notice of Defense contesting the Accusation.

15           5.     A copy of Accusation No. 2012-636 is attached as Exhibit A and incorporated herein  
16 by reference.

#### 17                                   ADVISEMENT AND WAIVERS

18           6.     Respondent has carefully read, fully discussed with counsel, and understands the  
19 charges and allegations in Accusation No. 2012-636. Respondent has also carefully read, fully  
20 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
21 Order.

22           7.     Respondent is fully aware of her legal rights in this matter, including the right to a  
23 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
24 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
25 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
26 compel the attendance of witnesses and the production of documents; the right to reconsideration  
27 and court review of an adverse decision; and all other rights accorded by the California  
28 Administrative Procedure Act and other applicable laws.

1           8.    Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
2 every right set forth above.

3                                   **CULPABILITY**

4           9.    Respondent admits the truth of each and every charge and allegation in Accusation  
5 No. 2012-636.

6           10.   Respondent agrees that her Registered Nurse License is subject to discipline and she  
7 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

8                                   **RESERVATION**

9           11.   The admissions made by Respondent herein are only for the purposes of this  
10 proceeding, or any other proceedings in which the Board of Registered Nursing or other  
11 professional licensing agency is involved, and shall not be admissible in any other criminal or  
12 civil proceeding.

13                                  **CONTINGENCY**

14           12.   This stipulation shall be subject to approval by the Board of Registered Nursing.  
15 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
16 Registered Nursing may communicate directly with the Board regarding this stipulation and  
17 settlement, without notice to or participation by Respondent or her counsel. By signing the  
18 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
19 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
20 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
21 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
22 action between the parties, and the Board shall not be disqualified from further action by having  
23 considered this matter.

24           13.   The parties understand and agree that facsimile copies of this Stipulated Settlement  
25 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
26 effect as the originals.

27           14.   This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
28 integrated writing representing the complete, final, and exclusive embodiment of their agreement.

1 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
2 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
3 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
4 writing executed by an authorized representative of each of the parties.

5 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
6 the Board may, without further notice or formal proceeding, issue and enter the following  
7 Disciplinary Order:

8 **DISCIPLINARY ORDER**

9 IT IS HEREBY ORDERED that Registered Nurse License No. 701729 issued to  
10 Respondent Katherine Gillies Altuna (Respondent) is revoked. However, the revocation is stayed  
11 and Respondent is placed on probation for three (3) years on the following terms and conditions.

12 **Severability Clause.** Each condition of probation contained herein is a separate and  
13 distinct condition. If any condition of this Order, or any application thereof, is declared  
14 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
15 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
16 and enforceable to the fullest extent permitted by law.

17 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and  
18 detailed account of any and all violations of law shall be reported by Respondent to the Board in  
19 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with  
20 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within  
21 45 days of the effective date of the decision, unless previously submitted as part of the licensure  
22 application process.

23 **Criminal Court Orders:** If Respondent is under criminal court orders, including  
24 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
25 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

26 2. **Comply with the Board's Probation Program.** Respondent shall fully comply with  
27 the conditions of the Probation Program established by the Board and cooperate with  
28 representatives of the Board in its monitoring and investigation of the Respondent's compliance

1 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
2 more than 15 days of any address change and shall at all times maintain an active, current license  
3 status with the Board, including during any period of suspension.

4 Upon successful completion of probation, Respondent's license shall be fully restored.

5 3. **Report in Person.** Respondent, during the period of probation, shall appear in  
6 person at interviews/meetings as directed by the Board or its designated representatives.

7 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
8 practice as a registered nurse outside of California shall not apply toward a reduction of this  
9 probation time period. Respondent's probation is tolled, if and when she resides outside of  
10 California. Respondent must provide written notice to the Board within 15 days of any change of  
11 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
12 returning to practice in this state.

13 Respondent shall provide a list of all states and territories where she has ever been licensed  
14 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
15 information regarding the status of each license and any changes in such license status during the  
16 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing  
17 license during the term of probation.

18 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit  
19 or cause to be submitted such written reports/declarations and verification of actions under  
20 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
21 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
22 Respondent shall immediately execute all release of information forms as may be required by the  
23 Board or its representatives.

24 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
25 state and territory in which she has a registered nurse license.

26 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall  
27 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
28 6 consecutive months or as determined by the Board.

1 For purposes of compliance with the section, "engage in the practice of registered nursing"  
2 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
3 non-direct patient care position that requires licensure as a registered nurse.

4 The Board may require that advanced practice nurses engage in advanced practice nursing  
5 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

6 If Respondent has not complied with this condition during the probationary term, and  
7 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
8 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
9 extension of Respondent's probation period up to one year without further hearing in order to  
10 comply with this condition. During the one year extension, all original conditions of probation  
11 shall apply.

12 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
13 prior approval from the Board before commencing or continuing any employment, paid or  
14 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
15 performance evaluations and other employment related reports as a registered nurse upon request  
16 of the Board.

17 Respondent shall provide a copy of this Decision to her employer and immediate  
18 supervisors prior to commencement of any nursing or other health care related employment.

19 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
20 (72) hours after she obtains any nursing or other health care related employment. Respondent  
21 shall notify the Board in writing within seventy-two (72) hours after she is terminated or  
22 separated, regardless of cause, from any nursing, or other health care related employment with a  
23 full explanation of the circumstances surrounding the termination or separation.

24 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
25 Respondent's level of supervision and/or collaboration before commencing or continuing any  
26 employment as a registered nurse, or education and training that includes patient care.

27 Respondent shall practice only under the direct supervision of a registered nurse in good  
28 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods

1 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
2 approved.

3 Respondent's level of supervision and/or collaboration may include, but is not limited to the  
4 following:

5 (a) Maximum - The individual providing supervision and/or collaboration is present in  
6 the patient care area or in any other work setting at all times.

7 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
8 care unit or in any other work setting at least half the hours Respondent works.

9 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
10 person communication with Respondent at least twice during each shift worked.

11 (d) Home Health Care - If Respondent is approved to work in the home health care  
12 setting, the individual providing supervision and/or collaboration shall have person-to-person  
13 communication with Respondent as required by the Board each work day. Respondent shall  
14 maintain telephone or other telecommunication contact with the individual providing supervision  
15 and/or collaboration as required by the Board during each work day. The individual providing  
16 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
17 patients' homes visited by Respondent with or without Respondent present.

18 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
19 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
20 or for an in-house nursing pool.

21 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
22 registered nursing supervision and other protections for home visits have been approved by the  
23 Board. Respondent shall not work in any other registered nursing occupation where home visits  
24 are required.

25 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
26 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
27 and/or unlicensed assistive personnel on a case-by-case basis.

28 Respondent shall not work as a faculty member in an approved school of nursing or as an



1 instructor in a Board approved continuing education program.

2 Respondent shall work only on a regularly assigned, identified and predetermined  
3 worksite(s) and shall not work in a float capacity.

4 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
5 request documentation to determine whether there should be restrictions on the hours of work.

6 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and  
7 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
8 months prior to the end of her probationary term.

9 Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
10 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
11 above required course(s). The Board shall return the original documents to Respondent after  
12 photocopying them for its records.

13 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its  
14 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
15 amount of \$3,040.00. Respondent shall be permitted to pay these costs in a payment plan  
16 approved by the Board, with payments to be completed no later than three months prior to the end  
17 of the probation term.

18 If Respondent has not complied with this condition during the probationary term, and  
19 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
20 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
21 extension of Respondent's probation period up to one year without further hearing in order to  
22 comply with this condition. During the one year extension, all original conditions of probation  
23 will apply.

24 12. **Violation of Probation.** If Respondent violates the conditions of her probation, the  
25 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
26 and impose the stayed discipline (revocation/suspension) of Respondent's license.

27 If during the period of probation, an accusation or petition to revoke probation has been  
28 filed against Respondent's license or the Attorney General's Office has been requested to prepare

1 an accusation or petition to revoke probation against Respondent's license, the probationary  
2 period shall automatically be extended and shall not expire until the accusation or petition has  
3 been acted upon by the Board.

4       **13. License Surrender.** During Respondent's term of probation, if she ceases practicing  
5 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
6 Respondent may surrender her license to the Board. The Board reserves the right to evaluate  
7 Respondent's request and to exercise its discretion whether to grant the request, or to take any  
8 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
9 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be  
10 subject to the conditions of probation.

11       Surrender of Respondent's license shall be considered a disciplinary action and shall  
12 become a part of Respondent's license history with the Board. A registered nurse whose license  
13 has been surrendered may petition the Board for reinstatement no sooner than the following  
14 minimum periods from the effective date of the disciplinary decision:

15       (1) Two years for reinstatement of a license that was surrendered for any reason other  
16 than a mental or physical illness; or

17       (2) One year for a license surrendered for a mental or physical illness.

18       **14. Physical Examination.** Within 45 days of the effective date of this Decision,  
19 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician  
20 assistant, who is approved by the Board before the assessment is performed, submit an  
21 assessment of the Respondent's physical condition and capability to perform the duties of a  
22 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
23 medically determined, a recommended treatment program will be instituted and followed by the  
24 Respondent with the physician, nurse practitioner, or physician assistant providing written reports  
25 to the Board on forms provided by the Board.

26       If Respondent is determined to be unable to practice safely as a registered nurse, the  
27 licensed physician, nurse practitioner, or physician assistant making this determination shall  
28 immediately notify the Board and Respondent by telephone, and the Board shall request that the

1 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
2 immediately cease practice and shall not resume practice until notified by the Board. During this  
3 period of suspension, Respondent shall not engage in any practice for which a license issued by  
4 the Board is required until the Board has notified Respondent that a medical determination  
5 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
6 of this probationary time period.

7 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
8 requirement, Respondent shall immediately cease practice and shall not resume practice until  
9 notified by the Board. This period of suspension will not apply to the reduction of this  
10 probationary time period. The Board may waive or postpone this suspension only if significant,  
11 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
12 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
13 Only one such waiver or extension may be permitted.

14 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

15 Respondent, at her expense, shall successfully complete during the probationary period or shall  
16 have successfully completed prior to commencement of probation a Board-approved  
17 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
18 submitted by the program on forms provided by the Board. If Respondent has not completed a  
19 Board-approved treatment/rehabilitation program prior to commencement of probation,  
20 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.  
21 If a program is not successfully completed within the first nine months of probation, the Board  
22 shall consider Respondent in violation of probation.

23 Based on Board recommendation, each week Respondent shall be required to attend at least  
24 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,  
25 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.  
26 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be  
27 added. Respondent shall submit dated and signed documentation confirming such attendance to  
28 the Board during the entire period of probation. Respondent shall continue with the recovery plan

recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

16. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall completely abstain from the possession, injection or consumption by any route of all controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the Respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of Respondent's history of substance abuse and will coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis Respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

17. **Submit to Tests and Samples.** Respondent, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the Board informed of Respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and Respondent shall be considered in violation of probation.

1 In addition, Respondent, at any time during the period of probation, shall fully cooperate  
2 with the Board or any of its representatives, and shall, when requested, submit to such tests and  
3 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
4 hypnotics, dangerous drugs, or other controlled substances.

5 If Respondent has a positive drug screen for any substance not legally authorized and not  
6 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
7 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
8 practice pending the final decision on the petition to revoke probation or the accusation. This  
9 period of suspension will not apply to the reduction of this probationary time period.

10 If Respondent fails to participate in a random, biological fluid testing or drug screening  
11 program within the specified time frame, Respondent shall immediately cease practice and shall  
12 not resume practice until notified by the Board. After taking into account documented evidence  
13 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
14 suspend Respondent from practice pending the final decision on the petition to revoke probation  
15 or the accusation. This period of suspension will not apply to the reduction of this probationary  
16 time period.

17 18. **Mental Health Examination.** Respondent shall, within 45 days of the effective date  
18 of this Decision, have a mental health examination including psychological testing as appropriate  
19 to determine her capability to perform the duties of a registered nurse. The examination will be  
20 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by  
21 the Board. The examining mental health practitioner will submit a written report of that  
22 assessment and recommendations to the Board. All costs are the responsibility of Respondent.  
23 Recommendations for treatment, therapy or counseling made as a result of the mental health  
24 examination will be instituted and followed by Respondent.

25 If Respondent is determined to be unable to practice safely as a registered nurse, the  
26 licensed mental health care practitioner making this determination shall immediately notify the  
27 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
28 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease

1 practice and may not resume practice until notified by the Board. During this period of  
2 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
3 is required, until the Board has notified Respondent that a mental health determination permits  
4 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
5 probationary time period.

6 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
7 requirement, Respondent shall immediately cease practice and shall not resume practice until  
8 notified by the Board. This period of suspension will not apply to the reduction of this  
9 probationary time period. The Board may waive or postpone this suspension only if significant,  
10 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
11 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
12 Only one such waiver or extension may be permitted.

13 **19. Therapy or Counseling Program.** Respondent, at her expense, shall participate in  
14 an on-going counseling program until such time as the Board releases her from this requirement  
15 and only upon the recommendation of the counselor. Written progress reports from the counselor  
16 will be required at various intervals.

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ACCEPTANCE

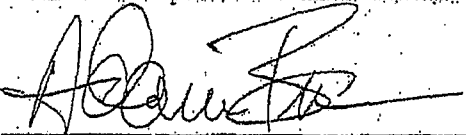
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Adam Brown. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 1/7/13

  
KATHERINE GILLIES ALTUNA  
Respondent

I have read and fully discussed with Respondent Katherine Gillies Altuna the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 1/8/13

  
Adam Brown  
Attorney for Respondent

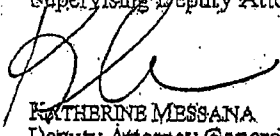
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated:

Respectfully submitted;

KAMALA D. HARRIS  
Attorney General of California  
GLORIA A. BARRIOS  
Supervising Deputy Attorney General

  
KATHERINE MESSANA  
Deputy Attorney General  
Attorneys for Complainant

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51210549.doc

**Exhibit A**

**Accusation No. 2012-636**



1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 KATHERINE MESSANA  
Deputy Attorney General  
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*Attorneys for Complainant*

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8 **BEFORE THE**  
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9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2012-636**

11 **KATHERINE GILLIES ALTUNA**

12 1764 252nd Street  
13 Lomita, CA 90717

**A C C U S A T I O N**

14 Registered Nurse License No. 701729

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs.

22 2. On or about April 9, 2007, the Board of Registered Nursing issued Registered Nurse  
23 License Number 701729 to Katherine Gillies Altuna ("Respondent"). The Registered Nurse  
24 License was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on November 30, 2012, unless renewed.

26 ///

27 ///

28 ///

## JURISDICTION AND STATUTORY PROVISIONS

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Section 2811 subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Sections 118 subdivision (b) of the Code also grants the Board jurisdiction over suspended, expired, forfeited, cancelled, or surrendered licenses:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

7. Section 2761 of the Code states in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it."

8. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a

person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

(d) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in subdivisions (a) and (b) of this section, in which event the court order of commitment or confinement is prima facie evidence of such commitment or confinement.

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

9. Section 2770.11 of the Code states:

"(a) Each registered nurse who requests participation in a diversion program shall agree to cooperate with the rehabilitation program designed by the committee and approved by the program manager. Any failure to comply with the provisions of rehabilitation program may result in termination of the registered nurse's participation in a program. The name and license number of a registered nurse who is terminated for any reason, other than successful completion, shall be reported to the board's enforcement program.

(b) If the program manager determines that a registered nurse, who is denied admission into the program or terminated from the program, presents a threat to the public or his or her own health and safety, the program manager shall report the name and license number, along with a copy of all diversion records for that registered nurse, to the board's enforcement program. The board may use any of the records it receives under this subdivision in any disciplinary proceeding."

### **COST RECOVERY**

10. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **DRUG DEFINITIONS**

2 11. Dilaudid, an Opium derivative, is a Schedule II controlled substance as designated  
3 by Health and Safety Code section 11055(b)(1)(j) and is categorized as a dangerous drug pursuant  
4 to section 4022. Dilaudid is a trade name for the narcotic substance Hydromorphone.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct: Dangerous Use of Alcohol)**

7 12. Respondent is subject to disciplinary action under section 2761, subdivision (a) as  
8 defined in section 2762, subdivision (b) of the Code in that Respondent tested positive for alcohol  
9 and used it to an extent or in a manner dangerous to herself and others, posing a danger to the  
10 public, as follows:

11 a. On or about August 5, 2010, Respondent self-referred to the Board's Diversion  
12 Program after being placed on unpaid leave of absence from her job at Torrance Memorial  
13 Hospital ("Torrance") on July 26, 2010. On July 26, 2010, she left a syringe in the worksite  
14 bathroom and someone noticed a needle mark on her hand. Respondent admitted to diverting  
15 Dilaudid from Torrance and to using at both home and work. Respondent began by using about 1  
16 mg intramuscular but progressed to using 6-8 mg intravenously per day. Respondent enrolled  
17 into the Board's Diversion Program.

18 b. On or about September 21, 2010, Respondent tested positive for alcohol. She  
19 admitted to drinking a glass of wine the day before the positive test.

20 c. On or about September 30, 2010, Respondent told her Clinical Case Manager that she  
21 came into the program for an Opioid problem, not an alcohol addiction.

22 d. On or about October 1, 2010, Respondent tested positive for alcohol.

23 e. As a result of the positive test on October 1, 2010, Respondent was mandated to  
24 complete a 30 day inpatient treatment program at Tarzana Treatment Center.

25 f. On or about May 8, 2011, Respondent tested positive for alcohol.

26 g. On or about December 29, 2011, Respondent tested positive for alcohol.

27 h. On or about February 15, 2012, the Board's Diversion Evaluation Committee  
28 terminated Respondent from Diversion as a Public Safety Risk for failing to comply with the

provisions of the rehabilitation plan. Specifically, due to Respondent's four (4) positive tests for alcohol while enrolled in the program.

**SECOND CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct: Obtain/Possess Controlled Substance/Dangerous Drug)**

13. Respondent is subject to disciplinary action under section 2761, subdivision (a) as defined in section 2762, subdivision (a) of the Code in that Respondent used Dilaudid a controlled substance and dangerous drug. The conduct is described in more particularity in paragraph 12, subdivision (a) above, inclusive and herein incorporated by reference.

**THIRD CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct: Use of a Controlled Substance/Dangerous Drug)**

14. Respondent is subject to disciplinary action under section 2761, subdivision (a) as defined in section 2762, subdivision (b) of the Code in that Respondent used Dilaudid a controlled substance and dangerous drug. The conduct is described in more particularity in paragraph 12, subdivision (a) above, inclusive and herein incorporated by reference.

**FOURTH CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct: Violation of Nursing Practice Act)**

15. Respondent is subject to disciplinary action under section 2761, subdivision (d) of the Code in that Respondent violated provisions of the Nursing Practice Act. The violations are described in more particularity in paragraphs 12 through 14, above, inclusive and here in incorporated by reference.

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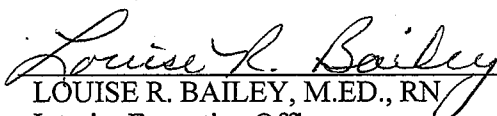
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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 701729, issued to Katherine Gillies Altuna;
2. Ordering Katherine Gillies Altuna to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: April 17, 2012

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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